


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 28 2007


CLERK

CHERYL A. BAKER,

Plaintiff,

-vs-

MICHAEL J. ASTRUE¹,
Commissioner of Social Security
Administration,

Defendant.

CIV. 06-4061

ORDER

The Magistrate Judge issued a Report and Recommendation dated August 6, 2007, recommending that Plaintiff's Motion for Summary Judgment be granted in part and denied in part and that Plaintiff's case be remanded to the Commissioner of Social Security for further administrative proceedings. No objections were filed by either party. After a careful review of the file herein and the relevant case authority, it is hereby

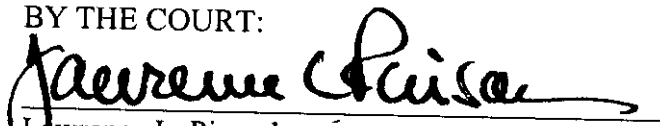
ORDERED that:

1. The Magistrate Judge's Report and Recommendation is ADOPTED by the court.
2. Plaintiff's Motion for Summary Judgment is GRANTED in part and DENIED in part and the Commissioner's decision denying Plaintiff's claim for payment of disability insurance and medical benefits under Title II and Title XVII of the Social Security Act is REVERSED and REMANDED to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

¹Pursuant to 42 U.S.C. 405(g), Michael Astrue has been substituted for JoAnne Barnhart as the named Defendant. Mr. Astrue was sworn in as the Commissioner of the Social Security Administration on February 12, 2007.

Dated this 28th day of September, 2007.

BY THE COURT:



Lawrence L. Piersol

United States District Judge

ATTEST:

JOSEPH HAAS, Clerk

By Shelly Margulies, Deputy